UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,238	06/20/2001	Jeffrey D. Washington	5150-48500	6736

35690   7590   04/23/2004

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*20 June 2001*</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-33* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Oath/Declaration

1.   A new oath or declaration is required because the Provisional Application Number is incorrect. The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

Specification

2.   The specification is objected since the Provisional Application Number provided in the Preliminary Amendment filed 10/19/01 is incorrect.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.   Claim 21 recites the limitation "The memory medium of claim 10". There is insufficient antecedent basis for this limitation in the claim since claim 10 is a method claim.

It is assumed that claim 21 depends on claim 20 for the purpose of art rejection.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-10 and 20-27 are rejected under 35 U.S.C. 102(b) as being anticipated

by Thomsen et al ("Thomsen", USP 5987246).

Regarding claims 1 and 20, Thomsen teaches steps for configuring a node in a

graphical program, comprising displaying the node in the graphical program (col 2, lines

44-47); receiving user input specifying configuration information for the node (col 2,

lines 47-50); programmatically creating and displaying one or more input terminals and

one or more output terminals for the node, based on the configuration information

(inherent); performing at least one of connecting an input terminal of the node to a data

source in the graphical program, in response to user input; connecting an output

terminal of the node to a data target in the graphical program, in response to user input

(col 2, lines 47-50).

Regarding claims 2 and 21, Thomsen teaches a first plurality of possible input

terminals is associated with the node and a second plurality of possible output terminals

is associated with the node (col 8, lines 29-35); and creating and displaying only a

subset of the first plurality of possible input terminals or creating and displaying only a

subset of the second plurality of possible output terminals (Fig. 9-10).

Regarding claims 3 and 22, Thomsen teaches one or more input terminals and one or more output terminals (Fig. 9-10), wherein creating and displaying the one or more input terminals and the one or more output terminals specified by the user input (col 7, lines 18-29).

Regarding claims 4 and 23, Thomsen teaches, based on the configuration information, selecting the one or more input terminals from a set of possible input terminals and selecting the one or more output terminals from a set of possible output terminals (col 7, lines 16-29).

Regarding claims 5 and 24, Thomsen teaches specifying desired functionality for the node (col 6, lines 31-38) and determining the one or more input terminals and the one or more output terminals for the node based on the specified desired functionality for the node (col 8, lines 32-44).

Regarding claims 6 and 25, it is inherent that Thomsen teaches when the terminals are not necessary for implementing the specified desired functionality for the Node, they are not selected for inclusion in the displayed terminals.

Regarding claim 7, Thomsen teaches the inclusion of the node in the graphical program (col 2, lines 20-23).

Regarding claim 8, Thomsen teaches connecting an input terminal of the node to an output terminal of another node in the graphical program and an output terminal of the node to an input terminal of another node in the graphical program (Fig. 10).

Regarding claims 9 and 26, Thomsen teaches programmatically generating

graphical source code for the node to implement functionality specified by the

configuration information (col 8, lines 50-59).

Regarding claims 10 and 27, Thomsen teaches receiving user input requesting to

provide configuration information for the node (block 304 in Fig. 8); displaying a

graphical user interface (GUI) input panel in response to the user input requesting to

provide configuration information for the node; wherein said receiving user input

specifying configuration information for the node comprises receiving user input via the

GUI input panel (col 4, lines 47-56).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 11-19 and 28-33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Thomsen and Kodosky et al ("Kodosky", USP 5301301).

Regarding claims 11 and 28, Thomsen teaches the displaying one or more labels

for the node (col 2, lines 34-37) and the connection of nodes (Fig. 7, 10-11). Thomsen

does not teach that the label corresponds to an input terminal or output terminal.

However, such feature is known in the art as taught by Kodosky. Kodosky teaches a

system to perform dataflow computations which comprises the labeling inputs and

outputs (col 4, lines 17-38). It would have been obvious to one of ordinary skill in the art,

having the teaching of Thomsen and Kodosky before him at the time the invention was

made, to modify the visual program taught by Thomsen to include the labeling inputs

and outputs taught by Kodosky with the motivation being to enhance the clarification of

the program.

Regarding claims 12 and 29, Thomsen teaches the configuring alias (names) for

the node (col 2, lines 34-37) and the connection of nodes (Fig. 7, 10-11). Thomsen does

not teach that the name corresponds to an input terminal or output terminal. However,

such feature is known in the art as taught by Kodosky. Kodosky teaches a system to

perform dataflow computations which comprises the labeling inputs and outputs (col 4,

lines 17-38). It would have been obvious to one of ordinary skill in the art, having the

teaching of Thomsen and Kodosky before him at the time the invention was made, to

modify the visual program taught by Thomsen to include the labeling inputs and outputs

taught by Kodosky with the motivation being to enhance the clarification of the program.

Regarding claim 13, Thomsen teaches steps for configuring nodes in a graphical

program, comprising displaying the nodes in the graphical program (col 2, lines 44-47);

receiving user input specifying configuration information for the node (col 2, lines 47-

50); for at least a first subset of the plurality of nodes, displaying wires visually indicating

interconnections between nodes in the first subset (Fig. 7, 10-11), the wires visually

indicates data flow from the first node to the second node (Fig. 7, 10-11). Thomsen

further teaches connecting an input terminal of the node to an output terminal of another

node in the graphical program and an output terminal of the node to an input terminal of

another node in the graphical program (Fig. 10). Thomsen does not teach that the label

corresponds to an input terminal or output terminal. However, such feature is known in the art as taught by Kodosky. Kodosky teaches a system to perform dataflow computation which comprises the labeling inputs and outputs (col 4, lines 17-38). It would have been obvious to one of ordinary skill in the art, having the teaching of Thomsen and Kodosky before him at the time the invention was made, to modify the visual program taught by Thomsen to include the labeling inputs and outputs taught by Kodosky with the motivation being to enhance the clarification of the program.

Regarding claims 14 and 30, Thomsen teaches the configuring alias (names) for the node (col 2, lines 34-37) and the connection of nodes (Fig. 7, 10-11). Thomsen further teaches connecting an input terminal of the node to an output terminal of another node in the graphical program and an output terminal of the node to an input terminal of another node in the graphical program (Fig. 10). Thomsen does not teach that the name corresponds to an input terminal or output terminal. However, such feature is known in the art as taught by Kodosky. Kodosky teaches a system to perform dataflow computations which comprises the labeling inputs and outputs (col 4, lines 17-38). It would have been obvious to one of ordinary skill in the art, having the teaching of Thomsen and Kodosky before him at the time the invention was made, to modify the visual program taught by Thomsen to include the labeling inputs and outputs taught by Kodosky with the motivation being to enhance the clarification of the program.

Regarding claims 15 and 31, Thomsen teaches displaying a label identifying the alias in the graphical program (names of nodes).

Regarding claims 16 and 32, Thomsen and Kodosky do not teach the replacing the default names with alias. However, the Official Notice is taken that the feature of changing default names of objects are known in the art. Therefore, It would have been obvious to one of ordinary skill in the art, having the teaching of Thomsen and Kodosky before him at the time the invention was made, to modify the visual program taught by Thomsen to include the replacing default labels with the motivation being to enable the user to rename input or output terminals as desired.

Regarding claims 17 and 33, Thomsen teaches receiving user input requesting to provide configuration information for the node (block 304 in Fig. 8); displaying a graphical user interface (GUI) input panel in response to the user input requesting to provide configuration information for the node; wherein said receiving user input specifying configuration information for the node comprises receiving user input via the GUI input panel (col 4, lines 47-56).

Regarding claim 18, Thomsen teaches the inclusion of the node in the graphical program (col 2, lines 20-23).

Regarding claim 19, Thomsen teaches connecting input terminal to a data source in the graphical program and connecting output terminal to a data target in the graphical program, in response to user input (Fig 10-11).

10.   The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach about configuring nodes in graphical programming environment which relates to the claimed invention.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:
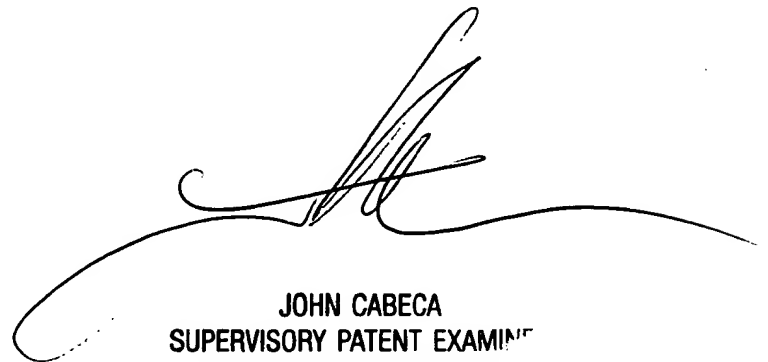
(703)-872-9306

and / or:

(703)-746-5639   (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

04/16/04

JOHN CABECA
SUPERVISORY PATENT EXAMINᴿ
TECHNOLOGY CENTER 21ᴏ.